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AUG 08 2013

CLERK  
UNITED STATES BANKRUPTCY COURT  
SAN JOSE, CALIFORNIA

Monica Montalvan, General Manager  
MONTALVAN'S SALES, INC.  
30502 San Antonio Street  
Hayward, CA 94544  
Telephone: (510) 489-3809  
Facsimile: (510) 489-3414  
Email: Monica@montalvans.com

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Case No.: 13-53893-ASW

Chapter 11

MI PUEBLO SAN JOSE, INC.,

Debtor.

APPLICATION OF MONTALVAN'S SALES, INC.  
FOR ALLOWANCE AND PAYMENT OF  
CHAPTER 11 ADMINISTRATIVE EXPENSES  
UNDER BANKRUPTCY CODE §503(B)(9)

1. Montalvan's Sales, Inc. ("MSI"), was a supplier of goods to Mi Pueblo San Jose Inc. ("Debtor") prior to the commencement of Debtor's bankruptcy proceedings.

2. On July 22, 2013 (the "Petition Date"), Debtor commenced the above-captioned case by filing a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§101 *et. seq.* (the "Code").

3. Prior to the Petition Date, MSI supplied goods to Debtor on an open account.

4. Pursuant to code §§503(b)(9), administrative expenses "shall be allowed" for "the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title which the goods have been sold to the debtor in the ordinary course of such debtor's business."

5. The aggregate value of the goods that in the ordinary course of business were sold to and received by Debtor within 20 days prior to Petition Date is \$13,105.74.

1 a. An "Invoice and Credit Memo Register" supporting the goods delivered to the Debtor and the  
2 amounts owed thereunder are attached hereto as Exhibit "A".

3 6. MSI has not been paid any of the amounts set forth in Exhibit "A".

4 7. By this Request, and pursuant to Code §§503(b)(9), MSI seeks allowance of a Chapter 11  
5 administrative expense claim in the amount of \$13,105.74, to be paid pursuant to the provisions of the Code and any  
6 orders entered by the court authorizing payment of §§503(b)(9) claims.

7 WHEREFORE, MSI, asks this Court to enter an Order (A) allowing MSI a Chapter 11 administrative  
8 expense claim in the amount of \$13,105.74; (B) ordering the Debtor to pay such allowed administrative expense  
9 immediately as an undisputed claim pursuant to the provisions of the Code and the orders entered by this Court  
10 governing distributions, and (C) granting MSI such other and further relief as this Court deems appropriate.

11 RESPECTFULLY SUBMITTED this 8 day of August, 2013.

12 Monica U. Montalvan, General Manager  
13 MONTALVAN'S SALES, INC.  
14 30502 San Antonio Street  
15 Hayward, CA 94544

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17 Monica Montalvan  
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1 **CERTIFICATE OF SERVICE**

2 I, Lisette Fernandez, declare:

3 I reside in the County of Alameda, State of California. I am over the age of eighteen (18) and not a party to the  
4 within action; my residence address is: 36696 Oak Street, Fremont, CA 94536

5 On August 8, 2013 I served a true and correct copy of the following document(s) in a sealed envelope, via United  
6 States mail, first-class, postage prepaid to the names and addresses listed below:

7 **APPLICATION OF MONTALVAN'S SALES, INC. FOR ALLOWANCE AND PAYMENT OF**  
8 **CHAPTER 11 ADMINISTRATIVE EXPENSES UNDER BANKRUPTCY CODE §503(B)(9)**

9 Debtor

10 Mi Pueblo San Jose, Inc.  
11 P.O. Box 3288  
12 San Jose, CA 95156  
13 SANTA CLARA - CA

14 Attorneys for Debtor

15 Heinz Binder, Esq.  
16 Robert G. Harris, Esq.  
17 Wendy W. Smith, Esq.  
18 Roya Shakoori, Esq.  
19 Binder & Malter, LLP  
20 2775 Park Avenue  
21 Santa Clara, CA 95050  
22 Email: [Heinz@bindermalter.com](mailto:Heinz@bindermalter.com)  
23 Email: [Rob@bindermalter.com](mailto:Rob@bindermalter.com)  
24 Email: [Wendy@bindermalter.com](mailto:Wendy@bindermalter.com)  
25 Email: [Roya@bindermalter.com](mailto:Roya@bindermalter.com)

26 Special Counsel for Debtor


27 Wm. Thomas Lewis, Esq.  
28 Robertson & Lewis  
150 Almaden Boulevard, Suite 950  
San Jose, CA 95113-2375  
Email: [wtl@roblewlaw.com](mailto:wtl@roblewlaw.com)

29 United States Trustee

30 Emily S. Keller, Esq.  
31 Office of the United States Trustee  
32 280 S. First Street, Suite 268  
33 San Jose, CA 95113  
34 Email: [ustpreion17.sj.ecf@usdoj.gov](mailto:ustpreion17.sj.ecf@usdoj.gov)

35 Executed on August 8, 2013 at Hayward, California.

36 I declare under penalty of perjury under the laws of the State of California and the United States of America that the  
37 above is true and correct.

38 

39 Lisette Fernandez

## **Exhibit “A”**

**MONTALVAN'S SALES, INC ., Hayward, CA**  
**Invoice and Credit Memo Register**  
**For the Period From Jul 1, 2013 to Jul 21, 2013**

Name	Invoice	Delivery	Invoice/CM #	Amount	
	Date	Date		Amount	Remainig
MI PUEBLO FOODS #16 - BELLAM 330 BELLAM BLV. SAN RAFAEL	7/3/13	7/3/13	47831	156.00	156.00
	7/3/13	7/3/13	47832	123.00	123.00
	7/3/13	7/3/13	47833	396.94	396.94
	7/10/13	7/10/13	47964	332.11	332.11
	7/10/13	7/10/13	47965	207.59	207.59
	7/17/13	7/17/13	48175	196.80	196.80
	7/17/13	7/17/13	48176	199.26	199.26
	7/17/13	7/17/13	48177	206.38	206.38
				<b>1,818.08</b>	<b>1,818.08</b>
MI PUEBLO #17 - ATWATER 351 BELLEVUE RD. ATWATER	7/8/13	7/8/13	47904	136.28	136.28
	7/8/13	7/8/13	47905	85.80	85.80
				<b>222.08</b>	<b>222.08</b>
MI PUEBLO #1 - HESPERIAN 20812 HESPERIAN BLVD. HAYWARD	7/1/13	7/1/13	47765	290.93	290.93
	7/1/13	7/1/13	47766	180.25	180.25
	7/5/13	7/5/13	47864	98.40	98.40
	7/11/13	7/11/13	48003	123.00	123.00
	7/15/13	7/15/13	48098	294.95	294.95
	7/18/13	7/18/13	48234	98.40	98.40
				<b>1,085.93</b>	<b>1,085.93</b>
MI PUEBLO #19 - NEWARK 35153 NEWARK BLVD. NEWARK	7/3/13	7/3/13	47858	49.20	49.20
	7/10/13	7/10/13	47981	73.80	73.80
	7/11/13	7/11/13	48008	106.50	106.50
	7/11/13	7/11/13	48009	46.20	46.20
	7/18/13	7/18/13	48236	53.10	53.10
	7/18/13	7/18/13	48239	99.66	99.66
				<b>428.46</b>	<b>428.46</b>
MI PUEBLO #10 - HIGH ST. 1630 HIGH ST. OAKLAND	7/3/13	7/3/13	CM8465	-4.85	-4.85
	7/5/13	7/5/13	47886	197.90	197.90
	7/5/13	7/5/13	47887	172.20	172.20
	7/5/13	7/5/13	47889	394.86	394.86
	7/10/13	7/10/13	CM8486	-17.25	-17.25
	7/11/13	7/11/13	48004	172.20	172.20
	7/11/13	7/11/13	48005	261.95	261.95
	7/11/13	7/11/13	48006	437.42	437.42
	7/17/13	7/17/13	CM8526	-1.50	-1.50
	7/18/13	7/18/13	48248	285.95	285.95
	7/18/13	7/18/13	48249	123.00	123.00
	7/18/13	7/18/13	48250	391.43	391.43
	7/18/13	7/18/13	48260	262.80	262.80
				<b>2,676.11</b>	<b>2,676.11</b>

**MONTALVAN'S SALES, INC ., Hayward, CA**  
**Invoice and Credit Memo Register**  
**For the Period From Jul 1, 2013 to Jul 21, 2013**

Name	Invoice	Delivery	Invoice/CM #	Amount	
	Date	Date		Amount	Remainig
MI PUEBLO #7 - RAILROAD 2100 RAILROAD AVE PITTSBURG	7/5/13	7/5/13	47878	169.47	169.47
	7/5/13	7/5/13	47879	147.60	147.60
	7/5/13	7/5/13	47880	308.15	308.15
	7/11/13	7/11/13	48034	118.50	118.50
	7/11/13	7/11/13	48033	98.40	98.40
	7/11/13	7/11/13	48032	72.60	72.60
	7/18/13	7/18/13	48227	98.40	98.40
	7/18/13	7/18/13	48228	383.12	383.12
	7/18/13	7/18/13	48230	130.84	130.84
				<b>1,527.08</b>	<b>1,527.08</b>
MI PUEBLO#12 - CAPITOL 320 N. CAPITOL AVE. SAN JOSE	7/3/13	7/3/13	47846	147.60	147.60
	7/10/13	7/10/13	47979	73.80	73.80
	7/10/13	7/10/13	47977	229.26	229.26
	7/16/13	7/16/13	CM8516	-34.20	-34.20
	7/17/13	7/17/13	48183	73.80	73.80
	7/17/13	7/17/13	48184	53.40	53.40
	7/17/13	7/17/13	48185	99.22	99.22
				<b>642.88</b>	<b>642.88</b>
MI PUEBLO #22- S. WHITE 1070 WHITE RD SAN JOSE	7/3/13	7/3/13	47845	98.40	98.40
	7/10/13	7/10/13	47978	46.20	46.20
	7/10/13	7/10/13	47980	193.80	193.80
	7/17/13	7/17/13	48187	230.52	230.52
	7/17/13	7/17/13	48189	98.40	98.40
				<b>667.32</b>	<b>667.32</b>
MI PUEBLO-#14 SEASIDE 1712 FREMONT BLVD SEASIDE	7/1/13	7/1/13	47760	295.20	295.20
	7/1/13	7/1/13	47761	176.92	176.92
	7/15/13	7/15/13	48110	175.20	175.20
				<b>647.32</b>	<b>647.32</b>
MI PUEBLO- #20 GILROY 727 FIRST STREET GILROY	7/8/13	7/8/13	47913	123.00	123.00
	7/15/13	7/15/13	48100	73.80	73.80
				<b>196.80</b>	<b>196.80</b>
MI PUEBLO #8- CROWS LANDING RD 1612 CROWS LANDING RD. MODESTO	7/8/13	7/8/13	47907	286.95	286.95
				<b>286.95</b>	<b>286.95</b>
MI PUEBLO#6- WATSONVILLE 1437 FREEDOM BVLD. WATSONVILLE	7/1/13	7/1/13	47753	98.40	98.40
	7/1/13	7/1/13	47754	214.15	214.15
	7/8/13	7/8/13	47914	73.80	73.80
	7/15/13	7/15/13	48103	73.80	73.80
				<b>460.15</b>	<b>460.15</b>
MI PUEBLO-#21 TRACY 3225 N. TRACY BLVD. TRACY	7/8/13	7/8/13	MP-	72.00	72.00
	7/8/13	7/8/13	MP-1	111.38	111.38
	7/8/13	7/8/13	MP-2	147.60	147.60
				<b>330.98</b>	<b>330.98</b>

**MONTALVAN'S SALES, INC ., Hayward, CA**  
**Invoice and Credit Memo Register**  
**For the Period From Jul 1, 2013 to Jul 21, 2013**

Name	Invoice Date	Delivery Date	Invoice/CM #	Amount	Amount Remainig
MI PUEBLO-#2 MOUNTAIN VIEW	7/12/13	7/12/13	48055	147.60	147.60
40 S RENGSTORFF AVE	7/19/13	7/19/13	48279	98.40	98.40
MOUNTAIN VIEW				<b>246.00</b>	<b>246.00</b>
MI PUEBLO-#3 JULIAN	7/10/13	7/10/13	47993	73.80	73.80
235 E JULIAN STREET	7/17/13	7/17/13	48207	73.80	73.80
SAN JOSE				<b>147.60</b>	<b>147.60</b>
MI PUEBLO-#4 STORY ROAD	7/3/13	7/3/13	47847	196.80	196.80
1745 STORY ROAD	7/17/13	7/17/13	48205	344.40	344.40
SAN JOSE				<b>541.20</b>	<b>541.20</b>
MI PUEBLO-#5 SALINAS	7/1/13	7/1/13	47755	246.00	246.00
950 E. ALISAL STREET				<b>246.00</b>	<b>246.00</b>
SALINAS					
MI PUEBLO-#11 HARDER	7/5/13	7/5/13	47863	73.80	73.80
187 HARDER ROAD	7/11/13	7/11/13	48002	73.80	73.80
HAYWARD	7/18/13	7/18/13	48233	49.20	49.20
				<b>196.80</b>	<b>196.80</b>
MI PUEBLO-#13 VALLEJO	7/15/13	7/15/13	48118	98.40	98.40
2107 SOLANO AVE				<b>98.40</b>	<b>98.40</b>
VALLEJO					
MI PUEBLO-#15 EAST PALO ALTO	7/12/13	7/12/13	48053	196.80	196.80
1731 EAST BAYSHORE RD.	7/19/13	7/19/13	48274	196.80	196.80
EAST PALO ALTO				<b>393.60</b>	<b>393.60</b>
MI PUEBLO-#18 MCLAUGHLIN AVE	7/3/13	7/3/13	47844	73.80	73.80
515 MCLAUGHLIN AVE	7/10/13	7/10/13	47985	73.80	73.80
SAN JOSE	7/17/13	7/17/13	48204	98.40	98.40
				<b>246.00</b>	<b>246.00</b>
<b>Total</b>				<b><u>13,105.74</u></b>	<b><u>13,105.74</u></b>